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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,204	03/11/2004	Ilie Iliescu	11491/4	6175
7590	08/11/2005			EXAMINER TRAN, THAO T
Brinks Hofer Gilson & Lione NBC Tower Suite 3600 455 N. Cityfront Plaza Drive Chicago, IL 60611-5599			ART UNIT 1711	PAPER NUMBER

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/798,204	ILIESCU ET AL.
	Examiner Thao T. Tran	Art Unit 1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to the Amendments filed 5/23/2005.
2. Claims 1-19 are currently pending in this application. Claims 1-13, 15, and 18-19 have been amended.

### ***Claim Rejections - 35 USC § 112***

3. In view of the prior Office action, the rejection of claim 6, under 35 U.S.C. 112, second paragraph, has been withdrawn due to the Amendment made thereto.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 8-15, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wesselink (US Pat. 6,213,702).

Wesselink teaches a method of making an ID booklet and an ID booklet, the ID booklet comprising synthetic laminate 1 (multilayered), flexible band 2, and strip 8 that is laminated to laminate 1 via perforations in band 2 (see Figs. 3-4, 7; col. 4, ln. 18-27). Laminate 1 and strip 8 are made of polycarbonate films (hard cores), flexible band 2 of polypropylene juxtaposed to

laminate 1 (see col. 3, ln. 54-67; col. 4, ln. 35-37). Wesselink further teaches the laminate is provided with an integrated microcircuit chip and an antenna (see col. 1, ln. 55-57) and configured for laser engraving (see col. 3, ln. 56-58). Since the reference teaches the laminate 1 being formed of polycarbonate, the layers would inherently be hard.

With respect to claim 2, since the synthetic laminate 1 is a laminate, it would inherently be multilayered and thus, as illustrated in Figs. 3-4 and 7, the flexible band 2 is juxtaposed to the polycarbonate layer, which would read as the hard component of the intermediate layer.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesselink as applied to claims 1 and 10 above, and further in view of Akao (US Pat. 4,661,395) or Fitch (US Pat. 3,301,295).

Wesselink is as set forth in claims 1 and 10 above and incorporated herein.

Wesselink teaches the flexible band 2 made of polypropylene. However, the reference does not teach the flexible band made of nylon.

Akao and Fitch, each teach a laminate comprising a flexible film; wherein the film is made of polypropylene or nylon (see Akao, claim 1) (Fitch, col. 1, ln. 56-57).

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed nylon, as taught by Akao or Fitch, in the flexible band 2 of Wesselink and would have resulted the same strength and flexibility. This is because Akao and Fitch disclose that either polypropylene or nylon could be used to form a flexible film, and so substituting one for another would have given the same effects.

***Response to Arguments***

8. Applicant's arguments filed 5/23/2005 have been fully considered but they are not persuasive.

Throughout the Remarks, Applicants contend that Wesselink differs from the presently claimed invention because the reference uses a comparatively complex method and product, comprising mechanical shaping or fitting that are not required by the presently claimed invention. However, since the claim language recites the word "comprising", what is taught by Wesselink would be included in the presently claimed invention.

9. In response to applicant's argument that Akao and Fitch are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Akao and Fitch are used to illustrate that a laminate comprising a flexible film made of nylon or polypropylene has been taught in the prior art. Thus, Akao and Fitch are used to show that a flexible film made of nylon can be used

as an alternative of polypropylene. Hence, Akao and Fitch are used to remedy Wesselink, whose teaching is directed to a flexible band made of polypropylene.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 5, 2005



THAO T. TRAN  
PATENT EXAMINER